

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Rejections – 35 U.S.C. § 103

On page 2 of the Office Action the Examiner rejected Claims 1-5, 7, 8, 11, 12, 15-19, 22, 23, and 33 as being unpatentable over U.S. Pat. No. 6,377,173 to Desai (“Desai”) in view of U.S. Pat. No. 4,529,980 to Liotine et al. (“Liotine”) and further in view of U.S. Pat. No. 5,442,340 to Dykema (“Dykema”).

Independent Claim 1 (as amended) is in independent form and recites a “trainable transceiver system for providing an activation signal characteristic to a portable transmitter” comprising, in combination with other elements, “a control circuit configured ... to cause the **LED to transmit the stored characteristic of the activation signal in response to an input signal from an operator input device**, wherein the control circuit is further configured to cause **the transceiver to transmit the activation signal in response to the input signal** from the operator input device, wherein the control circuit is further configured to **light the LED in response to the input signal from the operator input device and to visually communicate information to a user of the system**, wherein the control circuit is further configured to **modulate the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the optical receiver of the portable transmitter**”. Claims 2-4 and 7-11 depend from independent Claim 1 (as amended).

This combination of features and elements is not taught by any proper combination of Desai, Liotine, and/or Dykema.

Liotine Should Not Be Combined with Desai to Arrive at the Claimed Invention

The Examiner acknowledges, on page 3 of the Office Action, that Desai is deficient with respect to the use of an LED to transmit the stored characteristic of the activation signal.

The Examiner contends that one of skill in the art would have been motivated to combine Liotine with Desai to provide a trainable transceiver having an LED to transmit the stored characteristics of the activation signal. The Applicants respectfully disagree.

The Applicants respectfully submit that Liotine's teaches an "[a]pparatus for controlling a radio frequency receiver" (see Liotine at Claim 1). More specifically, Applicants respectfully submit that Liotine teaches use of a random number generator of a receiver to generate and subsequently transmit a new code through a light emitting diode (see Liotine at col. 4, lines 40-61). Liotine does not teach or suggest modification of a "trainable transmitter" to include an LED transmitter. Applicants respectfully submit that one of skill in the art, having read Liotine, would be motivated to modify a garage door receiver (as taught by Liotine) *rather than* to modify a "trainable transceiver" to include a transmitter.

No Proper Combination of Desai, Liotine, and Dvkema Teach Simultaneous use of an LED for Visual Communication to a User and for Transmission of Activation Signal Characteristics

Amended Independent Claim 1 recites a "trainable transceiver" that, in response to a user input from an operator input device, *both* lights an LED "to visually communicate information to a user of the system" and to "modulate[] the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the optical receiver of the portable transmitter."

The Examiner acknowledges that Desai does not disclose LED-based transmission.

In Liotine, the LED is used as “an infrared transmitting means” (see Liotine at Claim 1). Infrared light would not be considered or used for visual communication to a human user. Accordingly, Applicants respectfully submit that Liotine teaches use of non-visible infrared light for data transmission only *and not* a system that lights an LED “to visually communicate information to a user of the system” and “modulate[] the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the optical receiver of the portable transmitter.”

Applicants respectfully submit that Dykema does not teach any function for an LED other than as a visual indicator.

Accordingly, none of Desai, Liotine, and Dykema disclose, teach, or suggest a “trainable transceiver” that, in response to a user input from an operator input device, *both* lights an LED “to visually communicate information to a user of the system” and to “modulate[s] the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the optical receiver of the portable transmitter.” Applicants respectfully submit that, absent a teaching or motivation in one of Desai, Liotine, and Dykema to provide such a “trainable transceiver”, one of skill in the art would not have combined Desai, Liotine, and Dykema and would not have arrived at the claimed invention using the combination of Desai, Liotine, and Dykema.

For at least these reasons, the “trainable transceiver system for providing an activation signal characteristic to a portable transmitter” recited in independent Claim 1 (as amended) would not have been obvious in view of Desai, alone or in any proper combination with Liotine and/or Dykema under 35 U.S.C. § 103(a). To transform Desai, Liotine, and/or Dykema into a trainable transceiver (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicants’ own disclosure. Therefore, Claim 1 is patentable over Desai in view of Liotine and further in view of Dykema. The dependent claims which depend from independent Claim 1 are also patentable. See 35 U.S.C. § 112 ¶4.

Independent Claim 12 (as amended) is in independent form and recites a “trainable transceiver system” comprising, in combination with other elements, a “trainable transceiver ... configured to **light the LED in response to an input signal from an operator input device and to use a radio frequency transmitter to transmit the activation signal in response to the input signal**, wherein the trainable transceiver is further configured to light the LED in response to the input signal to visually communicate information to a user of the system, and wherein the trainable transceiver is further configured to **modulate the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the portable transmitter**”. Claims 15-22 depend from independent Claim 12 (as amended).

For many of the same reasons as recited above with respect to independent Claim 1, the “trainable transceiver” recited in independent Claim 12, considered as a whole, would not have been obvious in view of Desai, Liotine, and/or Dykema. Therefore, Claim 12 is patentable over Desai in view of Liotine and further in view of Dykema. The dependent claims which depend from independent Claim 12 are also patentable. See 35 U.S.C. § 112 ¶ 4.

Independent Claim 23 (as amended) is in independent form and recites a “trainable transceiver” comprising, in combination with other elements, a “control circuit is configured to **light the LED in response to a user input signal from an operator input device to visually communicate information to a user of the system**, wherein the control circuit is further configured to **modulate the LED, while the LED is lit for visually communicating information to the user, to create a light signal having data packets for transmitting the characteristic of the activation signal to the portable device**, wherein the control circuit is further configured to cause the transceiver to transmit the activation signal in response to the input signal from the operator input device”.

For many of the same reasons as recited above with respect to independent Claim 1, the “trainable transceiver” recited in independent Claim 23, considered as a whole, would not have

been obvious in view of Desai, Liotine, and/or Dykema. Therefore, Claim 23 is patentable over Desai in view of Liotine and further in view of Dykema.

On page 5 of the Office Action the Examiner rejected Claims 9, 10, 20 and 21 as being unpatentable over Desai in view of Liotine and Dykema and further in view of U.S. Pat. No. 5,475,366 to Van Lente et al. ("Van Lente").

Applicants respectfully submit that Claims 9, 10, 20 and 21 are patentable for at least the reason that they depend from patentable independent claims. See 35 U.S.C. § 112 ¶ 4. Further, Applicants respectfully submit that Van Lente does not cure the deficiencies of independent Claims 1 and 12 from which Claims 9, 10, 20, and 21 variously depend. Accordingly, Applicants respectfully request that the Examiner's rejections with respect to Claims 9, 10, 20, and 21 be withdrawn.

On page 6 of the Office Action the Examiner rejected Claim 32 as being unpatentable over Desai in view of Liotine and Dykema and further in view of U.S. Pat. No. 4,931,789 to Pinnow ("Pinnow"). The Applicants have cancelled Claim 32 and Applicants respectfully submit that the rejection thereof is moot. However, Applicants also submit that Pinnow does not cure the deficiencies noted above. Pinnow does not relate to a "trainable transceiver system for providing an activation signal characteristic to a portable transmitter" and its teaching of redundant signals for unlocking a single locked source (see Pinnow at col. 3, lines 13-34) would not have suggested at the claimed "trainable transceiver system for providing an activation signal characteristic to a portable transmitter" comprising, among other elements, a "light emitting diode (LED) configured to transmit the characteristic of the activation signal via an optical transmission to the optical receiver of the portable transmitter."

The Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. § 103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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